

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mary C. Strom,

Civil No. 07-150 (DWF/RLE)

Plaintiff,

v.

ORDER

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Fay E. Fishman, Esq., Peterson & Fishman, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,
counsel for Defendant.

Based upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter,

IT IS HEREBY ORDERED that:

1. The Defendant's Motion for Summary Judgment (Doc. No. 16) is **DENIED**.
2. The Plaintiff's Motion for Summary Judgment (Doc. No. 9) is **DENIED**.
3. This matter is **REMANDED** to the Commissioner for further proceedings, in accordance with this Report.

4. Pursuant to the holding in *Shalala v. Schaefer*, 509 U.S. 292 (1993),

JUDGMENT IS ENTERED ACCORDINGLY.

Dated: March 3, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court